

# **JOURNAL OF THE SENATE**

## **EIGHTY-NINTH SESSION**

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THIRTY-FOURTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Tuesday, March 11, 2014

The Senate convened at 10:00 a.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Father Kristopher Cowles, followed by the Pledge of Allegiance led by Senate page Noah Brown.

Roll Call: All members present.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the thirty-third day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Corey Brown, Chair

Which motion prevailed.

## COMMUNICATIONS AND PETITIONS

March 11, 2014

Dear Mr. President and Members of the Senate:

I am returning to you Senate Bill 98 with my VETO. Senate Bill 98 is entitled, "An Act to allow certain municipalities to charge a higher occupational tax."

Senate Bill 98 is a fifty percent tax increase. It allows business improvement districts in Deadwood to increase the hotel occupancy tax on rented lodging from \$2 to \$3 per night. Local officials clearly intend to increase this tax if they are allowed to do so.

The property tax opt-out already allows local officials to raise additional tax revenues. I do not support expanding the ability of local governments to raise taxes, especially when such a raise cannot be referred to a public vote.

In my first State of the State Address, I said, "A recession is the worst time to raise taxes, and if you send me a bill to raise taxes, I will veto it." South Dakota has recovered from the recession, but I continue to believe that it is a mistake to raise state taxes, or to make it easier to raise local taxes. For that reason, I oppose this bill and I ask that you sustain my veto.

Respectfully Submitted,  
Dennis Daugaard  
Governor

## MESSAGES FROM THE HOUSE

MR. PRESIDENT:

I have the honor to return herewith SB 1, 23, 25, 99, and 176 which have been amended by the House and your concurrence in the amendments is respectfully requested.

Also MR. PRESIDENT:

I have the honor to return herewith SB 13, 16, 17, 36, 85, 118, and 181 which have passed the House without change.

Respectfully,  
Arlene Kvislen, Chief Clerk



1 Nays:

2 Ewing; Maher; Monroe; Omdahl; Otten (Ernie); Rhoden

3 So the motion having received an affirmative vote of a majority of the members-elect, the  
4 President declared the motion carried and HB 1025 was up for reconsideration and final  
5 passage.

6 HB 1025: FOR AN ACT ENTITLED, An Act to revise certain statutes and administrative  
7 rules regarding licensure of nursing facility administrators and to increase certain fees.

8 Having had its second reading was up for consideration and final passage.

9 The question being "Shall HB 1025 pass as amended?"

10 And the roll being called:

11 Yeas 26, Nays 9, Excused 0, Absent 0

12 Yeas:

13 Begalka; Bradford; Brown; Buhl O'Donnell; Frerichs; Heineman (Phyllis); Holien; Hunhoff  
14 (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Novstrup (Al);  
15 Rampelberg; Rave; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

16 Nays:

17 Curd; Ewing; Maher; Monroe; Omdahl; Otten (Ernie); Peters; Rhoden; Soholt

18 So the bill having received an affirmative vote of a two-thirds majority of the members-  
19 elect, the President declared the bill passed and the title was agreed to.

20 Sen. Soholt moved that the Senate do concur in House amendments to SB 2.

21 The question being on Sen. Soholt's motion that the Senate do concur in House  
22 amendments to SB 2.

23 And the roll being called:

24 Yeas 33, Nays 1, Excused 1, Absent 0

25 Yeas:

26 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
27 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
28 Lucas; Maher; Monroe; Novstrup (Al); Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;  
29 Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle; Welke; White

1 Nays:  
2 Omdahl

3 Excused:  
4 Van Gerpen

5 So the motion having received an affirmative vote of a majority of the members-elect, the  
6 President declared the motion carried and the amendments were concurred in.

7 **CONSIDERATION OF EXECUTIVE APPOINTMENTS**

8 The Senate proceeded to the consideration of the executive reappointment of Stanley Porch  
9 of Jackson County, Wanblee, South Dakota, to the South Dakota Ellsworth Development  
10 Authority.

11 The question being "Does the Senate advise and consent to the executive reappointment  
12 of Stanley Porch pursuant to the executive message as found on page 506 of the Senate  
13 Journal?"

14 And the roll being called:

15 Yeas 34, Nays 0, Excused 1, Absent 0

16 Yeas:  
17 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
18 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
19 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rhoden;  
20 Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

21 Excused:  
22 Rave

23 So the question having received an affirmative vote of a majority of the members-elect, the  
24 President declared the reappointment confirmed.

25 **CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES**

26 Sen. Vehle moved that the report of the Conference Committee on HB 1069 as found on  
27 page 586 of the Senate Journal be adopted.

28 The question being on Sen. Vehle's motion that the report of the Conference Committee  
29 on HB 1069 be adopted.

1 And the roll being called:

2 Yeas 31, Nays 4, Excused 0, Absent 0

3 Yeas:

4 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
5 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
6 Lucas; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Rampelberg; Soholt; Solano; Sutton;  
7 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

8 Nays:

9 Maher; Peters; Rave; Rhoden

10 So the motion having received an affirmative vote of a majority of the members-elect, the  
11 President declared the motion carried and the report was adopted.

12 **CONSIDERATION OF REPORTS OF COMMITTEES**

13 Sen. Rave moved that the reports of the Standing Committees on

14 Appropriations on HB 1040 as found on page 581 of the Senate Journal; also

15 State Affairs on HB 1194 as found on page 583 of the Senate Journal; also

16 State Affairs on HB 1203 as found on page 585 of the Senate Journal be adopted.

17 Which motion prevailed.

18 **CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS**

19 The Senate proceeded to the consideration of the executive appointment of James J.  
20 Breckenridge of Minnehaha County, Sioux Falls, South Dakota, to the South Dakota Building  
21 Authority.

22 The question being "Does the Senate advise and consent to the executive appointment of  
23 James J. Breckenridge pursuant to the executive message as found on page 568 of the Senate  
24 Journal?"

25 And the roll being called:

26 Yeas 35, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
3 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
4 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave;  
5 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 So the question having received an affirmative vote of a majority of the members-elect, the  
7 President declared the appointment confirmed.

8 There being no objection, the Senate reverted to Order of Business No. 7.

9 **MESSAGES FROM THE HOUSE**

10 MR. PRESIDENT:

11 I have the honor to inform your honorable body that the House has adopted the report of  
12 the Conference Committee on HB 1069.

13 Also MR. PRESIDENT:

14 I have the honor to inform your honorable body that SB 106 was tabled.

15 Also MR. PRESIDENT:

16 I have the honor to inform your honorable body that the House has failed to concur in  
17 Senate amendments to HB 1177 and has appointed Reps. Gosch, Cronin, and Peterson as a  
18 committee of three on the part of the House to meet with a like committee on the part of the  
19 Senate to adjust the differences between the two houses.

20 Respectfully,  
21 Arlene Kvislen, Chief Clerk

22 The President announced Sens. Vehle, Tieszen, and Omdahl as a committee of three on the  
23 part of the Senate to meet with a like committee on the part of the House to adjust the  
24 differences between the two houses on HB 1177.

**1 SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

2 Sen. Rave moved that HB 1040, 1085, 1145, 1041, 1142, 1175, 1213, 1045, and 1111 be  
3 placed to follow HB 1112 on today's calendar.

4 Which motion prevailed.

5 HB 1249: FOR AN ACT ENTITLED, An Act to revise the required hours in a school term  
6 for certain grade levels.

7 Was read the second time.

8 The question being "Shall HB 1249 pass as amended?"

9 And the roll being called:

10 Yeas 35, Nays 0, Excused 0, Absent 0

11 Yeas:

12 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
13 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
14 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
15 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

16 So the bill having received an affirmative vote of a majority of the members-elect, the  
17 President declared the bill passed and the title was agreed to.

18 HB 1122: FOR AN ACT ENTITLED, An Act to define the limitations of interstate  
19 compacts relating to the collection of civil fines.

20 Was read the second time.

21 The question being "Shall HB 1122 pass as amended?"

22 And the roll being called:

23 Yeas 34, Nays 1, Excused 0, Absent 0

24 Yeas:

25 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
26 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
27 Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;  
28 Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

1 Nays:

2 Lucas

3 So the bill having received an affirmative vote of a majority of the members-elect, the  
4 President declared the bill passed and the title was agreed to.

5 HB 1194: FOR AN ACT ENTITLED, An Act to establish certain requirements relating  
6 to the crossings of railroad rights-of-way by utilities.

7 Was read the second time.

8 The question being "Shall HB 1194 pass as amended?"

9 And the roll being called:

10 Yeas 35, Nays 0, Excused 0, Absent 0

11 Yeas:

12 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
13 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
14 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave;  
15 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

16 So the bill having received an affirmative vote of a majority of the members-elect, the  
17 President declared the bill passed and the title was agreed to.

18 HB 1203: FOR AN ACT ENTITLED, An Act to improve the financial practices of the  
19 State of South Dakota.

20 Was read the second time.

21 The question being "Shall HB 1203 pass as amended?"

22 And the roll being called:

23 Yeas 35, Nays 0, Excused 0, Absent 0

24 Yeas:

25 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
26 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
27 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave;  
28 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

1       So the bill having received an affirmative vote of a majority of the members-elect, the  
2       President declared the bill passed and the title was agreed to.

3       HB 1038: FOR AN ACT ENTITLED, An Act to authorize the Department of Public Safety  
4       to build a highway patrol office and motorcycle training facility in Rapid City, to make an  
5       appropriation therefor, and to declare an emergency.

6       Was read the second time.

7       The question being "Shall HB 1038 pass?"

8       And the roll being called:

9       Yeas 34, Nays 1, Excused 0, Absent 0

10      Yeas:

11      Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
12      Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
13      Lucas; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;  
14      Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

15      Nays:

16      Maher

17      So the bill having received an affirmative vote of a two-thirds majority of the members-  
18      elect, the President declared the bill passed and the title was agreed to.

19      Sen. Rave moved that HB 1206 be placed to follow HB 1112 on today's calendar.

20      Which motion prevailed.

21      HB 1164: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding school  
22      board opening day decision petitions.

23      Was read the second time.

24      The question being "Shall HB 1164 pass as amended?"

25      And the roll being called:

26      Yeas 17, Nays 18, Excused 0, Absent 0

1 Yeas:

2 Begalka; Brown; Curd; Frerichs; Heineman (Phyllis); Jensen; Lederman; Monroe; Novstrup  
3 (Al); Omdahl; Peters; Rampelberg; Rave; Soholt; Solano; Tidemann; Tieszen

4 Nays:

5 Bradford; Buhl O'Donnell; Ewing; Holien; Hunhoff (Jean); Jones (Chuck); Jones (Tom);  
6 Kirkeby; Krebs; Lucas; Maher; Otten (Ernie); Rhoden; Sutton; Van Gerpen; Vehle; Welke;  
7 White

8 So the bill not having received an affirmative vote of a majority of the members-elect, the  
9 President declared the bill lost.

10 Sen. Peters announced her intention to reconsider the vote by which HB 1164 lost.

11 HB 1019: FOR AN ACT ENTITLED, An Act to provide certain provisions regarding the  
12 requirements for postsecondary institutions to participate in a multistate state authorization  
13 reciprocity agreement for distance education activities.

14 Was read the second time.

15 The question being "Shall HB 1019 pass as amended?"

16 And the roll being called:

17 Yeas 35, Nays 0, Excused 0, Absent 0

18 Yeas:

19 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
20 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
21 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
22 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

23 So the bill having received an affirmative vote of a majority of the members-elect, the  
24 President declared the bill passed and the title was agreed to.

25 HB 1099: FOR AN ACT ENTITLED, An Act to revise the membership of the State  
26 Investment Council.

27 Was read the second time.

28 The question being "Shall HB 1099 pass?"

1 And the roll being called:

2 Yeas 16, Nays 19, Excused 0, Absent 0

3 Yeas:

4 Brown; Curd; Holien; Jones (Chuck); Krebs; Lederman; Monroe; Novstrup (Al); Otten (Ernie);  
5 Rave; Rhoden; Soholt; Solano; Tidemann; Vehle; White

6 Nays:

7 Begalka; Bradford; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Hunhoff (Jean);  
8 Jensen; Jones (Tom); Kirkeby; Lucas; Maher; Omdahl; Peters; Rempelberg; Sutton; Tieszen;  
9 Van Gerpen; Welke

10 So the bill not having received an affirmative vote of a majority of the members-elect, the  
11 President declared the bill lost.

12 HB 1148: FOR AN ACT ENTITLED, An Act to provide a license for certain businesses  
13 to allow patrons to manufacture malt beverages and wines on the licensed premises for personal  
14 use.

15 Was read the second time.

16 The question being "Shall HB 1148 pass?"

17 And the roll being called:

18 Yeas 34, Nays 0, Excused 1, Absent 0

19 Yeas:

20 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
21 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
22 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave;  
23 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle; Welke; White

24 Excused:

25 Van Gerpen

26 So the bill having received an affirmative vote of a majority of the members-elect, the  
27 President declared the bill passed and the title was agreed to.

28 HB 1112: FOR AN ACT ENTITLED, An Act to appropriate general funds and higher  
29 education facility funds to replace a portion of the other funds appropriated for the construction  
30 of swine teaching and research facilities at South Dakota State University and to declare an  
31 emergency.

1 Was read the second time.

2 The question being "Shall HB 1112 pass as amended?"

3 And the roll being called:

4 Yeas 31, Nays 4, Excused 0, Absent 0

5 Yeas:

6 Begalka; Bradford; Brown; Buhl O'Donnell; Frerichs; Heineman (Phyllis); Holien; Hunhoff  
7 (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Novstrup (Al);  
8 Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Solano; Sutton; Tidemann;  
9 Tieszen; Van Gerpen; Vehle; Welke; White

10 Nays:

11 Curd; Ewing; Maher; Monroe

12 So the bill having received an affirmative vote of a two-thirds majority of the members-  
13 elect, the President declared the bill passed and the title was agreed to.

14 Sen. Rave moved that the Senate do now recess until 2:00 p.m., which motion prevailed  
15 and at 12:00 p.m., the Senate recessed.

16 **RECESS**

17 The Senate reconvened at 2:47 p.m., the President presiding.

18 Sen. Rave moved that the bills be placed in the following order on this afternoon's  
19 calendar: HB 1213, 1041, 1045, 1175, 1142, 1040, 1145, 1206, 1111, and 1085.

20 Which motion prevailed.

21 There being no objection, the Senate reverted to Order of Business No. 5.

22 **REPORTS OF STANDING COMMITTEES**

23 **MR. PRESIDENT:**

24 The Committee on Legislative Procedure respectfully reports that SB 21, 22, 24, 63, 87,  
25 104, 122, 154, 161, and 182 were delivered to his Excellency, the Governor, for his approval  
26 at 10:12 a.m., March 11, 2014.

1 Also MR. PRESIDENT:

2 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing  
3 and Enrolling has carefully compared SB 3, 7, 13, 16, 17, 36, 85, 118, 163, 181, and 183 and  
4 finds the same correctly enrolled.

5 Respectfully submitted,  
6 Corey Brown, Chair

7 There being no objection, the Senate proceeded to Order of Business No. 7.

8 **MESSAGES FROM THE HOUSE**

9 MR. PRESIDENT:

10 I have the honor to inform your honorable body that SB 44 was tabled.

11 Also MR. PRESIDENT:

12 I have the honor to inform your honorable body that the House has concurred in Senate  
13 amendments to HB 1127.

14 Respectfully,  
15 Arlene Kvislen, Chief Clerk

16 There being no objection, the Senate proceeded to Order of Business No. 8.

17 **MOTIONS AND RESOLUTIONS**

18 Sen. Rave moved that when we adjourn today, we adjourn to convene at 9:00 a.m. on  
19 Wednesday, March 12, the 35<sup>th</sup> legislative day.

20 Which motion prevailed.

21 Earlier today, Sen. Peters announced her intention to reconsider the vote by which HB 1164  
22 lost.

23 Sen. Peters moved that the Senate do now reconsider the vote by which HB 1164 lost.

1 The question being on Sen. Peters' motion to reconsider the vote by which HB 1164 lost.

2 And the roll being called:

3 Yeas 23, Nays 12, Excused 0, Absent 0

4 Yeas:

5 Begalka; Curd; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Kirkeby;  
6 Lederman; Monroe; Novstrup (Al); Omdahl; Peters; Rampelberg; Rave; Rhoden; Soholt;  
7 Solano; Sutton; Tidemann; Tieszen; Vehle; White

8 Nays:

9 Bradford; Brown; Buhl O'Donnell; Ewing; Jones (Chuck); Jones (Tom); Krebs; Lucas; Maher;  
10 Otten (Ernie); Van Gerpen; Welke

11 So the motion having received an affirmative vote of a majority of the members-elect, the  
12 President declared the motion carried and HB 1164 was up for reconsideration and final  
13 passage.

14 HB 1164: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding school  
15 board opening day decision petitions.

16 Having had its second reading was up for reconsideration and final passage.

17 1164yc

18 Sen. Peters moved that HB 1164 be amended as follows:

19 On page 1, line 9, of the House Local Government Committee engrossed bill, after  
20 "election" insert "for districts with more than five thousand registered voters. Petitions in  
21 districts with less than five thousand registered voters must be signed by five percent of the total  
22 number of registered voters at the last preceding general election".

23 Which motion prevailed.

24 The question being "Shall HB 1164 pass as amended?"

25 And the roll being called:

26 Yeas 19, Nays 16, Excused 0, Absent 0

27 Yeas:

28 Begalka; Curd; Frerichs; Heineman (Phyllis); Jensen; Kirkeby; Lederman; Monroe; Novstrup  
29 (Al); Omdahl; Peters; Rave; Rhoden; Soholt; Solano; Tidemann; Tieszen; Vehle; White

1 Nays:  
2 Bradford; Brown; Buhl O'Donnell; Ewing; Holien; Hunhoff (Jean); Jones (Chuck); Jones  
3 (Tom); Krebs; Lucas; Maher; Otten (Ernie); Rampelberg; Sutton; Van Gerpen; Welke

4 So the bill having received an affirmative vote of a majority of the members-elect, the  
5 President declared the bill passed and the title was agreed to.

6 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**  
7 (continued)

8 HB 1213: FOR AN ACT ENTITLED, An Act to analyze and promote economic  
9 development for South Dakota's Native American population and to establish a task force.

10 Was read the second time.

11 1213tc

12 Sen. Rave moved that HB 1213 be amended as follows:

13 On page 3 of the House Taxation Committee engrossed bill, delete lines 1 to 5, inclusive,  
14 and insert:

15 "Section 4. The task force shall be under the supervision of the Office of the Governor and  
16 staffed as determined by the Governor. The Governor shall designate the chair and the vice chair  
17 of the task force."

18 On page 3, line 15, delete everything before "not" and insert "to the Governor and the  
19 Legislature".

20 On page 3, line 16, delete "Executive Board of".

21 On page 3, line 17, delete everything before "no" and insert "Governor and the  
22 Legislature".

23

24 Which motion prevailed.

25 The question being "Shall HB 1213 pass as amended?"

26 And the roll being called:

27 Yeas 35, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
3 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
4 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
5 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 So the bill having received an affirmative vote of a majority of the members-elect, the  
7 President declared the bill passed and the title was agreed to.

8 HB 1041: FOR AN ACT ENTITLED, An Act to make an appropriation for the railroad  
9 trust fund and to declare an emergency.

10 Was read the second time.

11 1041aa

12 Sen. Sutton moved that HB 1041 be amended as follows:

13 On page 1, line 4, of the Senate Appropriations Committee engrossed bill, delete "general  
14 fund" and insert "property tax reduction fund".

15 Which motion lost.

16 The question being "Shall HB 1041 pass as amended?"

17 And the roll being called:

18 Yeas 34, Nays 1, Excused 0, Absent 0

19 Yeas:

20 Begalka; Bradford; Brown; Curd; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);  
21 Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;  
22 Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Solano;  
23 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

24 Nays:

25 Buhl O'Donnell

26 So the bill having received an affirmative vote of a two-thirds majority of the members-  
27 elect, the President declared the bill passed and the title was agreed to.

28 HB 1045: FOR AN ACT ENTITLED, An Act to revise unemployment insurance  
29 contribution rates.

1 Was read the second time.

2 The question being "Shall HB 1045 pass?"

3 And the roll being called:

4 Yeas 35, Nays 0, Excused 0, Absent 0

5 Yeas:

6 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
7 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
8 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave;  
9 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

10 So the bill having received an affirmative vote of a majority of the members-elect, the  
11 President declared the bill passed and the title was agreed to.

12 HB 1175: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to expand  
13 university facilities at the University of South Dakota, to make an appropriation therefor, and  
14 to declare an emergency.

15 Was read the second time.

16 The President deferred action on HB 1175 pending an amendment to correct language in  
17 the engrossed bill.

18 HB 1142: FOR AN ACT ENTITLED, An Act to enhance the support for public  
19 postsecondary technical institutes, to make an appropriation therefor, and to declare an  
20 emergency.

21 Was read the second time.

22 1142ma

23 Sen. White moved that HB 1142 be amended as follows:

24 On page 3, line 24, of the Senate State Affairs Committee engrossed bill, delete "one dollar  
25 (\$1)" and insert "two hundred fifty thousand dollars (\$250,000)".

26 On page 4, delete lines 4 to 7, inclusive.

27 Which motion prevailed.

1 The question being "Shall HB 1142 pass as amended?"

2 And the roll being called:

3 Yeas 35, Nays 0, Excused 0, Absent 0

4 Yeas:

5 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
6 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
7 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave;  
8 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

9 So the bill having received an affirmative vote of a two-thirds majority of the members-  
10 elect, the President declared the bill passed and the title was agreed to.

11 There being no objection, the Senate proceeded to final action on HB 1175.

12 HB 1175: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to expand  
13 university facilities at the University of South Dakota, to make an appropriation therefor, and  
14 to declare an emergency.

15 Having had its second reading was up for consideration and final passage.

16 1175nb

17 Sen. Soholt moved that HB 1175 be amended as follows:

18 On the House Appropriations Committee engrossed bill, delete all amendments, thus  
19 restoring the bill to the printed version.

20 Which motion prevailed.

21 The question being "Shall HB 1175 pass as amended?"

22 And the roll being called:

23 Yeas 35, Nays 0, Excused 0, Absent 0

24 Yeas:

25 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
26 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
27 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave;  
28 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

1 So the bill having received an affirmative vote of a two-thirds majority of the members-  
2 elect, the President declared the bill passed and the title was agreed to.

3 Sen. Rave moved that HB 1040 be placed to follow 1206 on today's calendar.

4 Which motion prevailed.

5 HB 1145: FOR AN ACT ENTITLED, An Act to accommodate legislation on medical  
6 services.

7 Was read the second time.

8 Sen. Brown moved that HB 1145 be laid on the table.

9 1145jb

10 Sen. Frerichs moved as a substitute motion that HB 1145 be amended as follows:

11 On the printed bill, delete everything after the enacting clause and insert:

12 "Section 1. The Department of Social Services shall include in its plan for medical  
13 assistance services pursuant to Title XIX of the United States Social Security Act and any  
14 amendments thereto a provision for coverage of individuals in South Dakota meeting criteria  
15 as specified under section 2001(a) of the Patient Protection and Affordable Care Act (P.L. 111-  
16 148), as amended by the Health Care and Education and Reconciliation Act of 2010 (P.L. 111-  
17 152).

18 Section 2. This Act is repealed if the federal medical assistance percentage falls below  
19 ninety percent for the expanded population.

20 Section 3. The Department of Social Services shall provide applicants eligible for Medicaid  
21 pursuant to section 1 of this Act with information on job training resources for jobs with average  
22 yearly salaries at or above one hundred thirty-eight percent of the federal poverty level.

23 Section 4. There is hereby appropriated from the Medicaid reserve contingency fund a sum  
24 of one million nine hundred five thousand two hundred sixty-nine dollars (\$1,905,269), or so  
25 much therefor as may be necessary, to the Department of Social Services for the purpose of  
26 expanding Medicaid pursuant to section 1 of this Act. The secretary of the Department of Social  
27 Services shall approve vouchers and the state auditor shall draw warrants to pay expenditures  
28 authorized by this Act.

29 Any amounts appropriated in this Act not lawfully expended or obligated by June 30, 2015,  
30 shall revert in accordance with the procedures prescribed in chapter 4-8."

1 The President ruled the substitute motion out-of-order pursuant to JR 7-16 and 7-17.

2 The question being on Sen. Brown's motion that HB 1145 be laid on the table.

3 And the roll being called:

4 Yeas 28, Nays 7, Excused 0, Absent 0

5 Yeas:

6 Begalka; Brown; Curd; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Jones  
7 (Chuck); Kirkeby; Krebs; Lederman; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie);  
8 Peters; Rampelberg; Rave; Rhoden; Soholt; Solano; Tidemann; Tieszen; Van Gerpen; Vehle;  
9 White

10 Nays:

11 Bradford; Buhl O'Donnell; Frerichs; Jones (Tom); Lucas; Sutton; Welke

12 So the motion having received an affirmative vote of a majority of the members-elect, the  
13 President declared the motion carried.

14 HB 1206: FOR AN ACT ENTITLED, An Act to authorize the payment of lease rental  
15 obligations to the South Dakota Building Authority by the Bureau of Finance and Management,  
16 to make an appropriation therefore, and to declare an emergency.

17 Was read the second time.

18 1206md

19 Sen. Peters moved that HB 1206 be amended as follows:

20 On page 4 of the House engrossed bill, delete lines 1 to 3, inclusive.

21 Which motion prevailed.

22 The question being "Shall HB 1206 pass as amended?"

23 And the roll being called:

24 Yeas 34, Nays 0, Excused 1, Absent 0

25 Yeas:

26 Begalka; Bradford; Brown; Curd; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);  
27 Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;  
28 Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Solano;  
29 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

1           Excused:  
2    Buhl O'Donnell

3 So the bill having received an affirmative vote of a two-thirds majority of the members-  
4 elect, the President declared the bill passed and the title was agreed to.

5 HB 1040: FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act  
6 for fiscal year 2014.

7 Was read the second time.

8 1040nl

9 Sen. Sutton moved that HB 1040 be amended as follows:

10       On page 45, line 18, of the Senate Appropriations Committee engrossed bill, delete  
11       "\$3,498,978" and insert "\$3,098,978".

12 Which motion lost.

13 1040nm

14 Sen. Sutton moved that HB 1040 be amended as follows:

15       On page 27, line 22, of the Senate Appropriations Committee engrossed bill, delete  
16       "\$6,164,976" and insert "\$6,234,510".

17 Which motion lost.

18 The question being "Shall HB 1040 pass as amended?"

19 And the roll being called:

20      Yeas 32, Nays 1, Excused 2, Absent 0

21 Yeas:

22 Begalka; Brown; Curd; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen;

23 Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup

24 (Al); Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Solano; Sutton; Tidemann;

25 Tieszen; Van Gerpen; Vehle; Welke; White

26 Nays:  
27 Omdahl

2 Bradford; Buhl O'Donnell

3        So the bill having received an affirmative vote of a majority of the members-elect, the  
4        President declared the bill passed and the title was agreed to.

5 HB 1111: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the  
6 design, construction, and equipping of a veterans home near Hot Springs, to make an  
7 appropriation therefor, and to declare an emergency.

8 Was read the second time.

9 1111ma

10 Sen. Peters moved that HB 1111 be amended as follows:

11 On page 2 of the printed bill, delete lines 18 to 20, inclusive.

12 Which motion prevailed.

13 The question being "Shall HB 1111 pass as amended?"

14 And the roll being called:

15      Yeas 33, Nays 1, Excused 1, Absent 0

17 Begalka; Bradford; Brown; Curd; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);  
18 Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;  
19 Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Solano;  
20 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

22 Sutton

24 Buhl O'Donnell

25 So the bill having received an affirmative vote of a two-thirds majority of the members-  
26 elect, the President declared the bill passed.

1 The question being on the title.

2 1111mta

3 Sen. Peters moved that the title to HB 1111 be amended as follows:

4 On page 1, line 2, of the printed bill, after "Hot Springs" delete "," and insert "and".

5 On page 1, line 3, after "therefor" delete ", and to declare an emergency".

6 Which motion prevailed and the title was so amended.

7 HB 1085: FOR AN ACT ENTITLED, An Act to revise certain property tax levies for the  
8 general fund of school districts.

9 Was read the second time.

10 Sen. Brown moved that HB 1085 be laid on the table.

11 The question being on Sen. Brown's motion that HB 1085 be laid on the table.

12 And the roll being called:

13 Yeas 35, Nays 0, Excused 0, Absent 0

14 Yeas:

15 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);  
16 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;  
17 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;  
18 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

19 So the motion having received an affirmative vote of a majority of the members-elect, the  
20 President declared the motion carried.

21 There being no objection, the Senate reverted to Order of Business No. 7.

22 **MESSAGES FROM THE HOUSE**

23 MR. PRESIDENT:

24 I have the honor to return herewith SCR 6 in which the House has concurred.

1 Also MR. PRESIDENT:

2 I have the honor to inform your honorable body that the House has concurred in Senate  
3 amendments to HB 1039, 1129, 1143, and 1162 and HCR 1031.

4 Also MR. PRESIDENT:

5 I have the honor to inform your honorable body that the House has failed to concur in  
6 Senate amendments to HCR 1028 and has appointed Reps. Russell, Nelson, and Kirschman as  
7 a committee of three on the part of the House to meet with a like committee on the part of the  
8 Senate to adjust the differences between the two houses.

9 Respectfully,  
10 Arlene Kvislen, Chief Clerk

11 The President announced Sens. Sutton, Lederman, and Tieszen as a committee of three on  
12 the part of the Senate to meet with a like committee on the part of the House to adjust the  
13 differences between the two houses on HCR 1028.

14 **SIGNING OF BILLS**

15 The President publicly read the title to

16 SB 3: FOR AN ACT ENTITLED, An Act to provide for continuity in the judicial review  
17 of certain lawsuits, complaints, and petitions between parties to a petition for certain protection  
18 orders.

19 SB 7: FOR AN ACT ENTITLED, An Act to modify the persons eligible for protection  
20 from domestic abuse and to revise certain terminology.

21 SB 13: FOR AN ACT ENTITLED, An Act to make use of hand-held mobile telephones  
22 while driving a commercial motor vehicle a serious traffic violation and to update certain  
23 references to federal regulations regarding the issuance of commercial driver licenses.

24 SB 16: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to purchase  
25 improved real property in Brookings County and to make an appropriation therefor.

26 SB 17: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to purchase  
27 improved real property in the city of Brookings and to make an appropriation therefor.

28 SB 26: FOR AN ACT ENTITLED, An Act to establish certain electronic crime victim  
29 notification procedures.

1 SB 36: FOR AN ACT ENTITLED, An Act to transfer the functions of the South Dakota  
2 Railroad Authority to the South Dakota Railroad Board.

3 SB 68: FOR AN ACT ENTITLED, An Act to adopt the uniform real property electronic  
4 recording act, to use an existing funding source to implement the provisions of this Act, and to  
5 revise certain provisions concerning electronic recording.

6 SB 81: FOR AN ACT ENTITLED, An Act to prohibit the possession of certain items in  
7 jails, to provide a penalty therefor, and to revise the penalty for the procurement of certain items  
8 into a jail.

9 SB 85: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding  
10 confidential criminal justice information.

11 SB 118: FOR AN ACT ENTITLED, An Act to revise certain criminal penalties for  
12 intentional damage to private property.

13 SB 125: FOR AN ACT ENTITLED, An Act to prohibit registered sex offenders from  
14 loitering in certain areas.

15 SB 145: FOR AN ACT ENTITLED, An Act to encourage schools to provide instruction  
16 in cardiopulmonary resuscitation.

17 SB 163: FOR AN ACT ENTITLED, An Act to prohibit a social host from permitting the  
18 underage consumption of alcoholic beverages on the social host's premises and to provide  
19 penalties therefor.

20 SB 181: FOR AN ACT ENTITLED, An Act to define vapor products as tobacco products  
21 for the purpose of regulating the use of the products by minors and to place certain restrictions  
22 on the sale of vapor products.

23 SB 183: FOR AN ACT ENTITLED, An Act to revise the trust fund requirements for  
24 perpetual cemeteries, and to declare an emergency.

25 HB 1033: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
26 open enrollment application review process of siblings of open enrolled students.

27 HB 1054: FOR AN ACT ENTITLED, An Act to establish consumer protection standards  
28 regarding certain insurance claim practices and to provide for certain penalties.

29 HB 1096: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
30 challenging of certain election petitions.

31 HB 1118: FOR AN ACT ENTITLED, An Act to clarify certain provisions about  
32 discharging firearms in safety zones.

1 HB 1120: FOR AN ACT ENTITLED, An Act to provide for alternative documentation of  
2 financial responsibility for vehicles.

3 HB 1165: FOR AN ACT ENTITLED, An Act to adopt the Uniform Deployed Parents  
4 Custody and Visitation Act.

5 HB 1184: FOR AN ACT ENTITLED, An Act to declare the fourth Saturday in July Day  
6 of the American Cowboy.

7 HB 1185: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to  
8 nonresident waterfowl licenses.

9 HB 1192: FOR AN ACT ENTITLED, An Act to designate the Black Hills Mining  
10 Museum in Lead as the official mining museum of South Dakota.

11 HB 1199: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete  
12 provisions regarding family law.

13 HB 1229: FOR AN ACT ENTITLED, An Act to provide for the reporting of certain  
14 person's names to the National Instant Criminal Background Check System.

15 HJR 1001: A JOINT RESOLUTION, Proposing and submitting to the electors at the next  
16 general election an amendment to Article III, section 25 of the Constitution of the State of South  
17 Dakota, relating to the authorization of roulette, keno, and craps in the City of Deadwood.

18 And signed the same in the presence of the Senate.

19 Sen. Bradford moved that the Senate do now adjourn, which motion prevailed and at  
20 5:15 p.m. the Senate adjourned.

21 Jeannette Schipper, Secretary

